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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,152	10/09/2003	Fredrick J. Landram	TELNP0201US	8207

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Kenneth W. Fafrak
Renner, Otto, Boisselle & Sklar, LLP
Nineteenth Floor
1621 Euclid Avenue
Cleveland, OH 44115-2191

EXAMINER

BANGACHON, WILLIAM L

ART UNIT	PAPER NUMBER
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2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/682,152

Applicant(s)

LANDRAM ET AL.

Examiner

William L. Bangachon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- *Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) ✓
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Examiner's Response

1. In response to the application filed 10/09/2003, the application has been examined. The Examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. It is the Examiner's position that claims 1-62 are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-13, 15, 18-23, 25-43, 45, 48-53 and 55-62, are rejected under 35 U.S.C. 102(e) as being anticipated by US 2003/0008636 A1 {hereinafter 'McGregor et al'}.

In claim 29, McGregor et al teach of a mobile device allocation system for securely allocating mobile devices to a plurality of users, comprising:

at least one system backbone, such as a modem link or satellite link described in paragraph 0057, 0093 and 0104. Also see Figures 2 and 9;

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at least one host computer, such as such as the central processing unit 14 shown in Figure 1 or a personal computer 42 shown in Figure 2, coupled to the system backbone; and

a plurality of mobile terminals (i.e. plurality of portable phone 30) shown in Figure 2, operatively configured to communicate to the host computer 14 or personal computer 42 through the system backbone,

wherein the plurality of mobile devices are stored in an inoperative state (i.e. off state or lock state), and the at least one host computer and a selected mobile device are operatively configured to place the selected mobile device in an operative state based upon an identification code described in paragraph 0082. See the different identification codes used in paragraphs 0106-0107 and paragraph 0133 regarding how the identification code, such as password or MIN, is entered.

In claim 30, McGregor et al further teach:

at least one secure area, such as a retail store, rental store or local service center, wherein the plurality of mobile devices are stored in the at least one secure area, and the at least one host computer is operatively configured to grant access to the at least one secure area based on the identification code described in paragraphs 0082, 0104 and 0112.

In claims 31-32, retail stores or rental stores or local service centers are a secure room or enclosure, such as those found in malls.

In claim 33, McGregor et al teach that the identification code is selected from the group consisting of numeric codes and alphanumeric codes described in paragraphs 0106-0107 and paragraph 0133.

In claim 34, McGregor et al further teach:

a plurality of docking stations, such as the interlink receiver 28 with a boot 32, located in the at least one secure area, wherein each docking station is coupled to the at least one system backbone (i.e. wired communication link 326 or wireless link via dedicated or switched public network) shown in Figure 9, and each mobile device is operatively configured to communicate to the host computer through a respective docking station described in paragraphs 0054 and 0076+.

In claim 35, McGregor et al further teach:

at least one wireless remote station, such as a service center or retail delivery system shown in Figure 9, coupled to the at least one system backbone (i.e. wireless network), wherein each mobile terminal is operatively configured to communicate to the host computer through the wireless remote station when the respective mobile device is not in the boot 32 described in paragraph 0104.

In claims 36-37, McGregor et al teach that the at least one host computer selects the mobile device to be placed in an operative state based on a preselected criteria, such as selectively programming phones for different service providers or reprogram phones when customers switch service providers or exchange phone units, described in paragraph 0104, lines 17-24.

In claim 38, McGregor et al teach that the operational mobile device is configured to be operational for a first interval (i.e. certain date), and upon expiration of the first interval the operational mobile device becomes inoperational or locked, described in paragraph 0112, lines 1-7.

In claim 39, McGregor et al teach that the operational mobile device is configured to retain data within a memory area, such as an EPROM chip, for a second interval, described in paragraphs 0059 and 0061, and upon expiration of the second interval all data within the memory area is purged, described in paragraph 0085.

In claim 40, McGregor et al teach that the second interval is inhibited if the mobile device is returned to the secure area prior to the expiration of the second interval described in paragraph 0098. This occurs when a customer is dissatisfied with the equipment operation, service or billing and the customer requests a service switch without waiting for the expiration of the second interval.

In claim 41, McGregor et al teach that the operational mobile device is configured to retain data within a memory area, such as an EPROM chip, for a second interval, described in paragraphs 0059 and 0061, and upon expiration of the second interval all data within the memory area is purged, described in paragraph 0085.

In claim 42, McGregor et al teach that the host computer monitors the port terminals 392 to detect when a mobile phone is inserted into a boot described in paragraph [0122] so that when a mobile phone is inserted into the boot, the mobile phone may be programmed with a new operating software, described in paragraph [0123], [0127]-[0129]. Further, when the mobile device moves to a new location,

monitoring software patches can be downloaded to the mobile devices described in paragraph 0073. The software patches stored in RAM (i.e. new mobile device operating software) then become the new operating software which logs calls, including time, date, and location when the call was made {see paragraphs 0074-0075}.

In claim 43, McGregor et al teach that the host computer configures the selected mobile device's functionality based on the particular user described in paragraph 0098.

In claim 45, McGregor et al teach an alarm, such as a failure flag message will prompt the rental operator to remove an inoperative mobile terminal selected by a user, described in paragraph 0065.

In claim 48, McGregor et al teaches that the system of claim 29, further comprises:

a communications link, such as a cellular telephone network described in paragraph 0072, between a first mobile device and a second mobile device, wherein messages are exchanged over the communications link between the user of the first mobile device and the user of the second mobile device.

In claim 49, McGregor et al teaches that the communications link is a direct communications link, such as a cellular network service providers link described in paragraph 0090, from the first mobile device to the second mobile device.

In claim 50, McGregor et al teach that the communications link is an indirect link, such as a communication link provided by other cellular network service providers described in paragraph 0091, from the first mobile device to the second mobile device.

In claim 51, McGregor et al teach that the indirect communications link includes communicating from the first mobile device to the host computer to the second mobile device. This occurs when the rental service location is also a cellular network service provider described in paragraph 0090+ and paragraph 0098.

In claim 52, McGregor et al teach that the host computer tracks the location of the mobile device as the mobile device moves between a plurality of cells (i.e. mobile device roams away from home base), described in paragraph 0071-0073, for the purpose of properly billing the mobile device wherever it travels, described in paragraph 0072.

In claim 53, McGregor et al teach that the host computer stores the location of the mobile device in a memory described in paragraph 0072+.

In claims 55 and 58, McGregor et al teach that the system of claim 29, further comprises:

a remote communication link, such as a wired modem link or wireless network link shown in Figure 9 and described in paragraph 0092, wherein at least one mobile device communicates to the host computer through the remote communication link. Also see paragraph 0057.

In claims 56 and 57, McGregor et al teaches that the remote communication link is an Internet or intranet connection, such as a TCP/IP or X.25 link shown in Figure 9. Also see paragraph 0117 regarding use of standard X21 network communication link.

Claims 1-13, 15 and 17-53, recite a method for practicing the system of claims 29-43 and therefore rejected for the same reasons.

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Claims 25-28 recites the limitations of claims 2-5 and therefore rejected for the same reasons.

Claims 59-62 recites the limitations of claims 30-33 and therefore rejected for the same reasons.

7. Claims 14, 16-17, 24, 44, 46-47 and 54, are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0008636 A1 {hereinafter 'McGregor et al'}.

In claim 44, McGregor et al does not disclose, "the mobile device displays advertisements based on a previous history of the particular user". The Examiner is taking Official notice that such features are conventional in mobile devices and would have been obvious in the system of McGregor et al because it provide a user means to track or trade stocks or track a sporting event through their mobile device.

In claim 46, although McGregor et al does not disclose "an audible alarm", it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include an audible alarm in the system of McGregor et al because such alarms aides visually impaired users means to diagnose a mobile device.

In claim 47, although McGregor et al does not teach that the alarm is a visual alarm, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include a visual alarm in the system of McGregor et al because the visual alarm is suitable for long messages, such as instructing rental operator, described in paragraph [0065].

In claim 54, McGregor et al does not disclose, "the host computer instructs the mobile device to emit an alert signal to assist in locating the mobile device". However, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include such limitations in the tracking system of McGregor et al because this provides a phone distribution system means to instruct a user of a mobile device to return the mobile device upon reaching a certain date or predetermined dollar limit and thereby locate the mobile device, described in paragraph 0112.

Claim 14 recites a method for practicing the system of claim 44 and therefore rejected for the same reasons.

Claim 16 recites a method for practicing the system of claim 46 and therefore rejected for the same reasons.

Claim 17 recites a method for practicing the system of claim 47 and therefore rejected for the same reasons.

Claim 24 recites a method for practicing the system of claim 54 and therefore rejected for the same reasons.

Office Contact Information

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William Bangachon whose telephone number is **(571)-272-3065**. The Examiner can normally be reached from Monday through Friday, 7:30 AM to 5:30 PM.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Zimmerman can be reached on **(571)-272-3059**. The fax phone numbers for the organization where this application or proceeding is assigned is **571-273-8300** for regular and After Final formal communications. The Examiner's fax number is **(571)-273-3065** for informal communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

February 12, 2007



William L Bangachon
Examiner
Art Unit 2635



BRIAN ZIMMERMAN
PRIMARY EXAMINER